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C O N F I D E N T I A L GUATEMALA 000796

SIPDIS

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TAGS: OVID KCRM PGOV PHUM ASEC GT

SUBJECT: DEPUTY SECRETARY'S MEETING WITH CICIG COMMISSIONER
CASTRESANA

REF: A. GUATEMALA 592
 1B. GUATEMALA 441
 1C. GUATEMALA 702

Classified By: Ambassador James M. Derham for reasons 1.4 (b&d).

Summary

11. (C) Carlos Castresana, Commissioner of the UN-led International Commission Against Impunity in Guatemala (CICIG), told visiting Deputy Secretary Negroponte that criminal penetration of the Guatemalan state was substantially worse than he had anticipated. Castresana described the Police and Attorney General's Office as compromised, ineffectual, and at present incapable of providing CICIG needed support in executing its mandate. However, he was satisfied with the political support provided by President Colom and some cabinet officers. CICIG is adequately funded, Castresana said, but is nonetheless short of personnel due to bureaucratic obstacles to hiring qualified personnel and lack of diplomatic immunity for CICIG staff. End Summary.

CICIG: Rule of Law Deteriorating

12. (C) On June 5, Deputy Secretary Negroponte, Ambassador Derham, WHA Assistant Secretary Shannon, and staff members met in Guatemala City with Carlos Castresana, head of the International Commission Against Impunity in Guatemala, and members of his staff. Castresana said that Guatemala's overall security and impunity situation is deteriorating, and attributed this in part to unfortunate personnel appointments President Colom had made to certain key positions in the Ministries of Government and Defense, the Presidency, the prison system, and intelligence organizations. Minister of Government Vinicio Gomez is well intentioned and qualified, Castresana said, but nonetheless does not have control over the National Civilian Police or the Immigration Service, although he lauded Gomez's recent firing of the director of the latter. Gang members control the prisons, and recently beheaded a warden, Castresana asserted (ref a). They run extortion rings from inside prisons, and enjoy ready access to prostitutes and alcohol. Senior MinGov Advisor Alfredo Ruano, who replaced Victor Rivera following the latter's murder, should be replaced, Castresana said, because he is a target of CICIG criminal investigation.

Attorney General's Office Inefficient, Corrupt

13. (C) Bad as the situation at the Ministry of Government is, Castresana said, the Public Ministry (Attorney General's Office) is worse. Attorney General Juan Luis Florido is both inefficient and unwilling to do his job. President Colom is aware of the problem, and is considering naming a new Attorney General, but both of the current

candidates are even worse than Florido. Florido is receptive to political pressure from Members of Congress, former President Portillo (whose extradition from Mexico the GOG seeks so that he can face corruption charges), and others, and he interferes with prosecutors' work on politically sensitive cases. Castresana cited the murder of Victor Rivera as a case that had been irretrievably compromised by political pressure applied to prosecutors (ref b). Five or six influential lawyers "control the courts," Castresana said, and regularly have cases thrown out, with Florido's complicity, he said.

¶4. (C) Asserting that his mandate allows him to initiate criminal and administrative disciplinary proceedings against state officials, Castresana said he would need more political support from the international community. "Ambassadors often ask me how far I am willing to go, but I ask them, how far are you willing to go with me," Castresana said.

CICIG's Action Plan

¶5. (C) Because CICIG has a mandate to investigate and prepare criminal cases for prosecution, but is nonetheless dependent on the judiciary to secure convictions, Castresana said CICIG needs better state partners. That being the case, Castresana said he would next move to "fix the Public Ministry," and asked that the USG intervene with President Colom to replace Florido with a suitable attorney general. He would also focus on getting the five or six influential lawyers "out of the way" and on dismantling the structures within the Public Ministry that made successful prosecution of influential people almost impossible. Once that was done, he would indict a number of corrupt senior former government officials, and with their cooperation go after serving officials in the police, ports, army, and others in league with Mexican and Colombian drug cartels.

CICIG Seeks Status as UN Body, Diplomatic Immunity

¶6. (C) Castresana asked the Deputy Secretary for continued USG support, and thanked him for the recent disbursement of \$4 million in support funds for CICIG. He asked that the Deputy Secretary specifically encourage the UN to make CICIG a formal UN body, which it currently is not. Doing so would afford CICIG personnel diplomatic immunity, and would facilitate CICIG's recruitment of law enforcement professionals from within the UN personnel system. While the GOG could unilaterally extend diplomatic privileges to CICIG staff, that would still not afford them protection during travel to other Latin American countries in the course of their investigations. Castresana said that UN Under Secretary General for Political Affairs Lynn Pascoe had been extremely supportive of his work, as had Guatemalan PermRep Gert Rosenthal. Nonetheless, CICIG staffing remains at only 50%. Uruguay is about to send another ten law enforcement officers, and Chile six, but CICIG needs at least 30 more professional staff, Castresana asserted, noting that his Financial Crimes Unit is still empty.

Request for Seconded FBI and DEA Personnel

¶7. (C) Castresana specifically requested that DEA and FBI second personnel to CICIG. He also asked that the USG facilitate CICIG's interviewing of criminal suspects who are in the U.S., and that CICIG and U.S. authorities share cases. Castresana said there are currently three suspects of interest in the U.S., including an alleged accomplice to the murder of Jose Mendez Dardon (ref c). He also asked that the U.S. join Spain and Norway in making its Witness Protection Program available to CICIG's witnesses. USG assistance in money laundering investigations and asset recovery would be particularly valuable, Castresana said, as would access to USG ballistics and DNA labs.

¶8. (U) D staff members cleared this message prior to transmission.

Derham